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Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

Ireland

1. Introduction: Overview of the legal and institutional framework of Ireland in the context of implementation of the United Nations Convention against Corruption

Ireland signed the United Nations Convention against Corruption on 9 December 2003 and ratified it on 9 November 2011.

Ireland is a parliamentary democracy. The Parliament is the sole legislative authority of the State and consists of the President and two Houses: *Dáil Éireann* (the House of Representatives) and *Seanad Éireann* (the Senate) whose powers and functions derive from the Constitution of Ireland (1937).

Irish law is based on English Common Law, substantially modified by indigenous concepts, the written Constitution of 1937, statute law and judicial decisions. Ireland's reliance on doctrine is only secondary to case law and legislation. Ireland follows a dualistic approach with regard to the incorporation of public international law. Following its ratification, the Convention is part of Irish law. This means that the courts can have reference to the Convention and should interpret domestic law in conformity with the Convention. However, the Convention cannot be invoked to override national law. The Convention is not self-executing.

The structure of the court system comprises a court of final appeal, the Supreme Court, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction, the Circuit Court and the District Court.

An Garda Síochána is the national police service of Ireland. It has responsibility for carrying out all policing duties in the Irish State, including the fight against corruption. The prosecution of offences is the task of the Office of the Director of Public Prosecutions (DPP). The main piece of anti-corruption legislation is the Prevention of Corruption Act (POCA), as amended.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

The provision on active bribery is contained in Section 2(2) of the Prevention of Corruption (Amendment) Act 2001. Passive bribery is criminalized in Section 2(1) of that Act. In Section 2(5), the definition of the bribee ("agent") includes not only national and foreign officials but also any kind of employees. Therefore, the Irish bribery legislation covers articles 15, 16 and 21 of the Convention against Corruption in the same provision.

The element of "undue advantage" is implemented as "any gift, consideration or advantage" which is "corruptly" given or received. The term "corruptly" is defined in section 2 and includes acting with an improper purpose.

While Ireland stated that the "promise" of a bribe is covered under the present law, the reviewers noted that such a "promise" — i.e., a unilateral act (unlike "agrees to

give") geared towards a deal in the future (unlike "offer") — is not explicitly included in the text of the law as it stands. Third-party beneficiaries of the advantage are explicitly mentioned in the text of the law ("for the benefit of ... another person") and include entities, as the term "person" encompasses legal persons.

Trading in influence is currently not criminalized comprehensively, although some forms will be captured by the existing provisions of Sections 2(1) and (2). It is intended that, also for the purpose of clarity, the forthcoming Criminal Justice (Corruption) Bill will provide distinct trading in influence offences (cf. Head 3 in the General Scheme of the Bill).

Money-laundering, concealment (arts. 23 and 24)

The principal money-laundering offences are set out in Part 2 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (AML Act). Section 11 of the AML Act contains important presumptions as to the knowledge or belief of accused persons which can reasonably be inferred from actions and circumstances. Section 7(2) of the AML Act criminalizes attempts to commit a money-laundering offence and Section 7 of the Criminal Law Act 1997 criminalizes aiding and abetting. Conspiracy is punished under common law.

Ireland has adopted an all-crimes approach without a *de minimis* threshold. Section 6 of the AML Act defines the predicate for money-laundering to include conduct occurring in a place outside the State. The offender himself may also be the perpetrator of the predicate crime, thus self-laundering is also a criminalized conduct.

The offences in Part 2 of the AML Act also cover concealment, as foreseen in article 24 of the Convention.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

The existing common law offences of larceny, embezzlement, and fraudulent conversion were replaced by a new offence of "theft" under the Criminal Justice (Theft and Fraud Offences) Act 2001, which also covers the embezzlement offence. The definition of property does not distinguish between public or private property.

Article 19 of the Convention against Corruption is implemented through the provisions of Section 8 POCA 2001.

Ireland stated that it has not adopted and criminalized illicit enrichment but has considered introducing the offence. Section 16B of the Proceeds of Crime Act provides civil proceedings whereby the proceeds derived from corrupt conduct may be recovered from an official. The General Scheme of the Criminal Justice (Corruption) Bill contains in Head 12 a provision whereby wealth which is disproportionate to an official's emoluments and interests as declared in his or her statement of registrable interests is presumed to derive from a bribe.

Obstruction of justice (art. 25)

Article 25 of the Convention against Corruption is implemented through the common law crime of subornation of perjury, i.e., the encouragement of a witness to

perjure themselves. Perverting the course of justice is also an offence at common law, as is the offence of embracery.

Section 41 of the Criminal Justice Act 1999 makes it an offence for a person to harm or threaten, menace or intimidate another person who is assisting in the investigation by the *Garda Síochána*. In addition, the obstruction of public officials is criminalized by section 7 of the Offences Against the State Act 1939 (as amended).

Liability of legal persons (art. 26)

The common law doctrine of identification provides for the liability of legal persons whereby the acts of the controlling officers of a legal person are viewed as constituting the acts of the legal person itself. The General Scheme of the Criminal Justice (Corruption) Bill makes specific provision for the liability of legal persons where an offence is committed by any employee of a legal person with the intention of obtaining or retaining business.

Under the current common law system of liability, the liability of a natural person or persons with sufficient control over the legal entity must be established first in order to hold the legal person liable. All relevant indictable offences carry unlimited fines to which legal persons would be liable.

Participation and attempt (art. 27)

Article 27 of the Convention against Corruption is implemented through Section 7 of the Criminal Law Act 1997, Sections 7, 9 and 10 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, and Section 71 of the Criminal Justice Act 2006.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The range of punishment for corruption crimes makes it possible to take into account the gravity of the relevant offences. All of the indictable offences carry a maximum penalty of an unlimited fine, along with a substantial period of imprisonment.

There is no immunity from criminal prosecution or investigation for any person in Irish law, other than the President.

Ireland has a discretionary prosecution system. The discretion relating to the prosecution of persons for serious corruption offences vests in the Director of Public Prosecutions (DPP). The prosecution guidelines explicitly mention corruption.

Article 30, paragraph 6, of the Convention against Corruption is implemented through disciplinary codes within the various sectors. While Ireland indicated the possibility for disqualification from membership of Parliament, there are no other laws providing for disqualification for other officials. Disciplinary measures can also be applied if no criminal sanction has been imposed.

The legislation promotes the reintegration into society of persons convicted of offences. The Irish Prison Service provides reintegration programmes to all those in custody, subject to certain qualifying periods.

The Irish legislation does not provide for plea bargaining agreements. However, cooperating offenders/accomplices have been granted immunity from prosecution in some cases. Cooperation with the investigation and the prosecution itself are matters that a court must take into account.

Protection of witnesses and reporting persons (arts. 32 and 33)

The Criminal Justice Act 1999 provides a number of protections to witnesses, jurors and others in the context of criminal prosecutions. Ireland has a comprehensive witness protection programme, which is the task of the national police. Protection is given to certain witnesses, in particular child witnesses, to allow evidence to be given by video link. Ireland has established a Victims of Crime Office and a Victims of Crime Charter.

Specific protection for whistle-blowers is contained in the POCA 2010. In addition, further comprehensive whistle-blower protection arrangements are contained in the Protected Disclosures Act 2014. The Act is extraordinarily broad in its personal scope of application. It covers all employees, whether in the public or private sector. The Act does not include a public interest or good faith requirement.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

The criminal confiscation system set out in the Criminal Justice Act 1994 is value based.

For conviction-based provisions, Section 9 of the Criminal Justice Act 1994 provides that the DPP may make an application to the court for a confiscation order, requiring the person concerned to pay such a sum as the court sees fit having regard to the benefit and/or pecuniary advantage obtained and the amount which might be realized. In order to enhance effective compliance with these provisions, the DPP has established a specialist unit.

In relation to non-conviction-based (NCB) confiscation, carried out by the Criminal Assets Bureau, there are comprehensive provisions in the Proceeds of Crime Acts 1996 and 2005. This is a civil process which does not require that the person in possession or control of the asset be convicted of a criminal offence. The objective is to deprive or deny the person the benefits of proceeds of crime.

The Office of the Director of Public Prosecutions has established a specialist unit which is responsible for asset management. The Criminal Assets Bureau also has responsibilities with regard to asset management.

Section 56 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, requires a financial institution, as provided therein, to have systems in place to respond efficiently and appropriately to Garda enquiries in relation to its business relationships. Ireland does not have a central register of bank accounts and it is not sufficient to claim that proceeds of crime are in a bank in Ireland in order to obtain a court order allowing to request all banks in Ireland to provide information. Requests must be sent to individual banks on the basis of information provided.

The Proceeds of Crime Act does not contain a full reversal of the burden of proof. It remains for the State to establish to the satisfaction of the court on the balance of probabilities that the respondent is in possession or control of assets which comprise proceeds of crime.

The rights of bona fide third parties are protected under the Proceeds of Crime Act.

Statute of limitations; criminal record (arts. 29 and 41)

There is no statute of limitations applicable in Ireland in respect of indictable offences.

Previous convictions of another State can be taken into account at sentencing.

Jurisdiction (art. 42)

Ireland has established territorial jurisdiction, flag state jurisdiction, the active personality principle and jurisdiction in lieu of extradition. All these jurisdictional bases are foreseen in a consolidated jurisdiction provision in Head 9 of the General Scheme of the Criminal Justice (Corruption) Bill 2012.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

The Courts will not enforce illegal contracts. Corruption would be a relevant factor in a legal action to annul or rescind a contract. According to the European Union public procurement directives, suppliers convicted of corruption offences are mandatorily excluded from the tendering procedures.

Persons suffering damage or loss can take civil action, for instance in torts. Persons can also pursue claims for contractual and non-contractual damages through the civil courts. A criminal conviction is not a precondition to the commencement of civil proceedings by a victim seeking compensation from an alleged wrongdoer.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

Ireland does not have a specialized anti-corruption agency. Instead, the national police, *An Garda Síochána*, and the other law enforcement bodies also deal with corruption offences. The Garda Bureau of Fraud Investigation (GBFI) is a specialist bureau within *An Garda Síochána* which undertakes specialized investigations (including foreign bribery investigations). Corruption offences would also be investigated by local units of *An Garda Síochána* with support and advice from the GBFI.

The GBFI includes the Financial Intelligence Unit (FIU). The FIU is a member of the Egmont Group of Financial Intelligence Units and closely cooperates with the Criminal Assets Bureau. It has the power to impose a freezing order for seven days.

The police have set up the Garda Knowledge Management Portal, a database containing all relevant legislation and case law; information on assets, proceeds of crime, and DNA as well as templates.

The Authority vested with the responsibility for the prosecution of persons for serious corruption offences is the Director of Public Prosecutions (DPP). A specialist unit has been established within the DPP's office, with appropriate training, retaining responsibility for the prosecution of serious corruption offences to which appropriate resources have been assigned. While the DPP, as a general rule, has no power to direct *An Garda Síochána* or other agencies in their investigations, she and her Office cooperate regularly with such investigating agencies during the course of criminal investigations.

The Criminal Assets Bureau is a statutory body whose remit is to carry out investigations into the suspected proceeds of criminal conduct. It identifies assets of persons which derive directly or indirectly from criminal conduct and then takes appropriate action to deprive or deny those persons of the assets and the proceeds of their criminal conduct.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing chapter III of the Convention are highlighted:

- The fact that the Irish anti-bribery legislation goes beyond the requirements of the Convention in that it applies equally to national and foreign officials, as well as the private sector (articles 15, 16 and 21 of the Convention).
- The broad definition of the recipient of a bribe ("agent"), which includes "any person employed by or acting for another", was highlighted as a good practice (articles 15, 16 and 21 of the Convention).
- The civil remedy in Section 16B of the Proceeds of Crime Act, whereby the proceeds of corrupt conduct may be recovered from an official through a "corrupt enrichment order", which was considered to constitute an effective alternative to the criminalization of illicit enrichment (article 20 of the Convention).
- The non-existence of immunities from criminal prosecution or investigation for any public officials other than the President (article 30, paragraph 2, of the Convention).
- The comprehensive nature of the Irish witness protection programme (article 32 of the Convention).
- The comprehensive whistle-blower protection legislation enacted in the Protected Disclosures Act 2014 (article 33 of the Convention).
- Ireland's non-conviction-based (NCB) confiscation legislation and its enforcement through the Criminal Assets Bureau (article 31 of the Convention).
- The establishment of the Garda Knowledge Management Portal (article 36 of the Convention).

2.3. Challenges in implementation

While noting Ireland's efforts in the field of anti-corruption, the reviewers identified a number of challenges in implementation and/or grounds for further improvement and made the following recommendations (depending on the mandatory or optional nature of the relevant Convention against Corruption requirements):

- Swiftly adopt and implement the Criminal Justice (Corruption) Bill.
- Concerning articles 15 and 16 of the Convention:
  - Explicitly criminalize the "promise" of a bribe.

- Implement a better case tracking system to be able to evaluate the effectiveness and identify any weaknesses in the current enforcement system.
- To monitor the effective enforcement of article 16, paragraph 1, of the Convention and take any necessary measures to strengthen its implementation.

- Concerning article 18 of the Convention, it was recommended to swiftly adopt the Criminal Justice (Corruption) Bill in order to comprehensively criminalize trading in influence.
- Concerning article 26 of the Convention, it was recommended to swiftly adopt the Criminal Justice (Corruption) Bill in order to:
  - Establish an effective and comprehensive system of corporate criminal liability.
  - Establish an effective and comprehensive system of liability that is not dependent on the prior establishment of liability of a natural person or persons with sufficient control over the legal entity.
- Concerning article 30, paragraph 7, of the Convention, it was recommended that Ireland take measures to allow for the disqualification of persons other than MPs convicted of corruption offences from holding public office.
- Concerning article 31, paragraph 7, of the Convention, Ireland was encouraged to consider the introduction of a central register of bank accounts.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is governed by the Extradition Act 1965, the Extradition (European Convention on the Suppression of Terrorism) Act 1987, the Extradition (Amendment) Act 1987, the Extradition (Amendment) Act 1994, the Extradition (European Union Conventions) Act 2001, the European Arrest Warrant Act 2003, and the European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012.

As Ireland does not make extradition conditional on the existence of a treaty, it can extradite on the basis of reciprocity. Ireland may also use the Convention as the legal basis for extradition.

Dual criminality is a fundamental requirement for extradition under Irish law. Ireland extradites its nationals unless there is an explicit exclusion of such extraditions in a bilateral treaty with the requesting State, which is not the case in any of Ireland's existing treaties. Should extradition be denied, section 38 of the Extradition Act 1965 (as amended), together with sections 7 and 8 of the Criminal Law Act 1997 (as amended), provide the legal basis for trying the offence in Ireland.

If the extradition of nationals for the purposes of enforcing a sentence is refused, Ireland can enforce foreign sentences from determined States on the basis of the Transfer of Execution of Sentences Act, 2005.

Extraditable offences are those punishable in both the requesting State and Ireland by imprisonment for a maximum period of at least one year or by a more severe penalty and for which, if there has been a conviction and sentence in the requesting State, imprisonment for a period of at least four months or a more severe penalty has been imposed. Ireland does not provide for accessory extradition in line with article 44, paragraph 3, of the Convention.

The decision to extradite lies with the High Court, and the general rules applicable to criminal trials also apply in extradition procedures.

No information was provided by the Irish authorities on the average length of extradition proceedings.

Several amendments to significantly simplify and expedite the extradition process have been made by the European Arrest Warrant Act 2003 (Application to Third Countries and Amendment) and the Extradition (Amendment) Act 2012, such as the repeal of provisions which required that evidence in extradition proceedings be provided by sworn affidavit, and allowing for providing accompanying legislation of the requesting State as reproduction instead of as a certified copy of the law.

Section 11 of the Extradition Act 1965 (as amended) establishes the grounds for refusal of an extradition. The threat of prosecution or punishment on account of the requested person's sex or ethnic origin are not included as reasons for denial of extradition. However, Irish courts are obliged to interpret any legislation in accordance with the European Convention on Human Rights, which establishes the prohibition of discrimination, inter alia, on the grounds of sex and national or social origin or association with a national minority.

While the Extradition Act 1965 (as amended) does not set forth that offences established in accordance with the Convention offences are not to be considered political offences, the jurisprudence of the Irish courts provides a very narrow interpretation of political offences and it was considered unlikely that any of the offences established in accordance with the Convention would be regarded as such.

Extradition cannot be refused solely on the ground that the offence is also considered to involve fiscal matters.

Ireland has bilateral extradition treaties with Australia, the Hong Kong Special Administrative Region of the People's Republic of China and the United States of America. It is party to multilateral extradition agreements and arrangements, including the European Convention on Extradition.

With regard to the transfer of sentenced persons, Ireland is party to the Council of Europe Convention on the Transfer of Sentenced Persons and its Additional Protocol and has passed the Transfer of Sentenced Persons Acts 1995 and 1997.

While transferring criminal proceedings to and from Northern Ireland is possible for certain offences, this is not applicable in corruption cases.

Mutual legal assistance (art. 46)

Mutual legal assistance (MLA) is regulated by the Criminal Justice (Mutual Assistance) Act 2008. However, the Act is only applicable to Member States of the European Union, Iceland and Norway, as well as other States designated as per S.I. No. 222/2012 — Criminal Justice (Mutual Assistance) Act 2008 (Section 4) Order 2012. Not all States parties to the Convention have been designated, or are members of the European Union. Nevertheless, the Act allows for effect to be given to certain international agreements, or provisions of such agreements, between Ireland and other States relating to mutual assistance in criminal matters, including articles 46, 49, 50 and 54 to 57 of the Convention.

Ireland can use the Convention as legal basis for assistance. Ireland has concluded two bilateral treaties and two multilateral treaties on MLA. Ireland is also party to the European Convention on Mutual Assistance in Criminal Matters and its two additional Protocols.

In the absence of dual criminality, Ireland renders assistance involving non-coercive action.

Ireland can provide MLA for a wide range of measures, also with regard to offences for which a legal person can be considered responsible. The identification or tracing of proceeds of crime, property, instrumentalities or other things for evidentiary purposes, as well as the facilitation of the voluntary appearance of persons other than prisoners in the requesting State party is not regulated. While the Criminal Justice (Mutual Assistance) Act 2008 provides for the execution of a freezing order in sections 34 and 35, it does not address the identification and tracing of proceeds of crime in accordance with the provisions of chapter V of the Convention.

The Minister for Justice and Equality is the Irish Central Authority for Mutual Legal Assistance in Criminal Matters (Ireland has notified the Secretary-General of the United Nations accordingly), and has the function of receiving, transmitting and otherwise dealing with and cooperating with requests in accordance with relevant international instruments.

Section 65 of the Criminal Justice (Mutual Assistance) Act 2008 addresses the transfer of persons detained or serving a sentence to Ireland, while section 66 regulates the transfer of such persons from Ireland to another State.

Requests are accepted in English and Irish (Ireland has notified the Secretary-General of the United Nations accordingly). In urgent cases, requests can be received by e-mail, if they are confirmed through the provision of hard copy documentation afterwards. Ireland does not accept oral requests for assistance.

The Criminal Justice (Mutual Assistance) Act 2008 provides for the hearing of witnesses through videoconferencing in sections 67 to 70.

The Irish authorities did not provide information on the average time needed to afford assistance to other States.

Assistance may be refused in accordance with section 3 of the Criminal Justice (Mutual Assistance) Act 2008; requests cannot be refused on the sole ground that the offence is also considered to involve fiscal offences. Bank secrecy can be lifted to provide assistance.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Law enforcement authorities cooperate through organizations and networks such as the International Criminal Police Organization (INTERPOL), the European Police Office (Europol), the Egmont Group, the Camden Asset Recovery Inter-Agency Network, Fin.Net and others. *An Garda Síochána* has liaison officers working in several Irish embassies, as well as officers working with INTERPOL and Europol, and facilitates personnel to work with the Police Service of Northern Ireland.

The Criminal Justice (Joint Investigation Teams) Act 2004, as amended by section 96 of the Criminal Justice (Mutual Assistance) Act 2008, foresees the possibility of creating joint investigation teams with Member States of the European Union or designated States.

The Criminal Justice (Surveillance) Act 2009 allows for the use of surveillance techniques by competent authorities in criminal investigations. Sections 88-90 of the Criminal Justice (Mutual Assistance) Act 2008 provide for the use of controlled delivery in MLA cases with Member States of the European Union, Iceland and Norway, and other designated States. Ireland is party to several multilateral instruments that address the use of special investigative techniques at the international level. Irish legislation does not specify methods of controlled delivery.

3.2. Successes and good practices

- The fact that, in order to simplify and expedite the extradition process, Ireland has made several amendments to its Extradition Act, which were acknowledged and welcomed as facilitating cooperation (art. 44, para. 9).
- The acceptance of draft requests in order to ensure their compliance with the requirements for extradition requests as a means to significantly improve the quality of the cooperation and accelerate the extradition process (art. 44, para. 17).
- The fact that Ireland has prepared and disseminated a guide on its mutual legal assistance system, entitled "Mutual legal assistance in criminal matters: a guide to Irish law and procedures", which is available online and can help requesting States in the formulation of their MLA requests (art. 46, para. 1).
- The lifting of bank secrecy in response to MLA requests is frequently carried out in practice and the *Garda Síochána* can request such information from banks and financial institutions (art. 46, para. 8).
- Ireland accepts request for police-to-police cooperation either directly by other States' police services or through INTERPOL (art. 48, para. 1).
- Ireland has established a protocol for the exchange of evidence and the sharing of forensics with Northern Ireland to facilitate cooperation. A guidance manual for police and prosecution services from Ireland and Northern Ireland has been issued to streamline cooperation (art. 49).

3.3. Challenges in implementation

With regard to international cooperation, it is recommended that Ireland:

- Consider amending the domestic legislation to allow for accessory extradition (art. 44, para. 3).
- In a future revision of existing extradition treaties concluded with other States parties, or in future extradition treaties, include the offences established in accordance with the Convention as extraditable offences (art. 44, para. 4).
- Consider extending the domestic legal framework to also allow for the execution of sentences imposed by the requesting State party when extradition of nationals is denied (art. 44, para. 13).
- Consider concluding further bilateral and multilateral treaties in order to enhance the effectiveness of extradition (art. 44, para. 18).
- Consider concluding agreements for the transfer of sentenced persons with States that are not parties to the European Convention on the Transfer of Sentenced Persons (art. 45).
- Clarify the national ability to provide assistance to all States parties to the Convention, including those that are not designated States or Member States of the European Union; and consider whether the collection of separate statistics on requests related to offences established in accordance with the Convention would be beneficial (art. 46, para. 1).
- Consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to article 46 in the absence of dual criminality (art. 46, para. 9 (c)).
- Ireland could accept oral requests made in urgent circumstances if they are confirmed in writing afterwards (art. 46, para. 14).
- Ireland could consider providing to a requesting State party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public (art. 46, para. 29 (b)).
- Continue to explore opportunities to actively engage in bilateral and multilateral agreements with foreign countries (particularly non-European countries), with the aim to enhance the effectiveness of mutual legal assistance (art. 46, para. 30).
- Consider the development of legal frameworks to regulate the transfer of criminal proceedings for the prosecution of offences established in accordance with the Convention and the adjudication of related criminal cases (art. 47).
- Consider establishing joint investigations also with States parties to the Convention that are not covered by the Criminal Justice (Joint Investigation Teams) Act 2004, as amended (art. 49).
- Ensure the use of controlled delivery and other special investigative techniques within the context of international cooperation with regard to all States parties to the Convention (art. 50, para. 1).

- With regard to States parties not covered by the Criminal Justice (Mutual Assistance) Act 2008, ensure the use of special investigative techniques on a case-by-case basis (art. 50, para. 3).

- Consider allowing the use of controlled delivery to include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part (art. 50, para. 4).